

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

WASEEM DAKER,

Plaintiff,

v.

UNITED STATES OF AMERICA; BRIAN
CHRISTOPHER JOHNSON; and BUREAU
OF ALCOHOL, TOBACCO, FIREARMS,
AND EXPLOSIVES,

Defendants.

CIVIL ACTION NO.: 6:15-cv-49


ORDER

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's May 26, 2017, Report and Recommendation, (doc. 19), Notice of Constitutional Challenge to Federal Statute, Motion to Certify Constitutional Challenge to 28 U.S.C. § 1915(g), and his alternative Motion to Stay Proceedings Pending Appeal in Case Number 6:16-cv-57. (Doc. 22.) The assertions Plaintiff makes in this filing are the same—practically verbatim—as those he made in response to the Magistrate Judge's Report and Recommendation in Case Number 6:16-cv-57. Obj., Mot., Obj., & Notice, Daker v. Bryson, et al., 6:16-cv-57 (S.D. Ga. Feb. 6, 2017), ECF Nos. 12–15. The Court rejected those arguments in Case Number 6:16-cv-57. Order, Daker v. Bryson, et al., 6:16-cv-57 (S.D. Ga. Mar. 20, 2017), ECF No. 17. The Court does the same here and for the same reasons.

Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Plaintiff's Complaint and **DENIES** Plaintiff *in forma pauperis*

status on appeal. The Court also **DENIES** Plaintiff's Notice of Constitutional Challenge to Federal Statute and Motion to Certify Constitutional Challenge to 28 U.S.C. § 1915(g) and **DISMISSES as moot** Plaintiff's Motion to Stay Pending Appeal, as there appears to be no viable appeal pending for Case Number 6:16-cv-57.¹ The Court **DIRECTS** the Clerk of Court to **CLOSE** this case, enter the appropriate judgment of dismissal, and attach a copy of the Court's March 20, 2017, Order in Case Number 6:16-cv-57 to the service copy of this Order. Additionally, the Court **DENIES** Plaintiff *in forma pauperis* status on appeal.

SO ORDERED, this 14th day of November, 2017.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ The Court notes Plaintiff has filed another Notice of Appeal with the Eleventh Circuit Court of Appeals arising from Case Number 6:16-cv-57 in this Court. Notice of Appeal, Daker v. Bryson, et al., 6:16-cv-57 (S.D. Ga. Sept. 6, 2017), ECF No. 26. However, Plaintiff's latest filing came more than three months after the Eleventh Circuit dismissed Plaintiff's first appeal for lack of prosecution. Mandate, Daker v. Bryson, et al., 6:16-cv-57 (S.D. Ga. Apr. 25, 2017), ECF No. 23.